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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,074	03/06/2002	Stephen Paul Maginas		8494

7590 07/25/2006
Stephen P. Maginas
3404 25th Street
Rock Island, IL 61201

EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,074	Applicant(s) MAGINAS, STEPHEN PAUL	
	Examiner Stella L. Woo	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03165654 A (hereinafter "Ota") in view of Herrod et al. (5,604,516, hereinafter "Herrod").

Ota discloses a communication apparatus (Figure 1) comprising:
a substrate (card storage medium 5);
machine readable data disposed upon or within said substrate
comprising commands directing a communication device to transmit said message (dialing information is stored onto the card storage medium 5 so that when the card storage medium 5 is loaded to a card reader 4 of telephone set 1, the opposite party is dialed and a message, including name and address information, is automatically sent to the opposite party such that the dialing information stored on the card inherently comprises command information as well as message information; Abstract and Constitution).

Ota differs from claim 21 in that although it provides some human readable data (telephone number data, which is stored on card storage medium

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5, is printed on each card storage medium 5, allowing the user to know what telephone number is stored on the card; Figure 1), it does not teach the human readable data as fully disclosing the message and all machine readable data. However, Ota does teach that the card can be an optical card (machine translation, section (e), line 21) and, as shown by Herrod (see Figure 1; col. 2, lines 19-23), it is notoriously old and well known to provide human readable data which corresponds with printed machine readable data in order to facilitate manual entry in the event the machine readable data is damaged and unreadable or the optical reading device is non-functioning. It would have been obvious to an artisan of ordinary skill to incorporate such provision of human readable data which fully discloses all machine readable data, as taught by Herrod, within apparatus of Ota in order to allow manual entry of the data needed to send an emergency message to a predetermined party in the event the machine readable data cannot be read.

2. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Herrod, as applied to claim 21 above, and further in view of Taskett (US 5,923,734).

The combination of Ota and Herrod differs from claims 26-30 in that it does not teach the human readable data as comprising directions for use of the communication apparatus. However, Taskett teaches the desirability of providing complete instructions on the face of a telephone card (see Figure 1) such that it would have been obvious to an artisan of ordinary skill to provide

complete instructions, as taught by Taskett, within the combination of Ota and Herrod in order to provide directions to any user of the card.

Regarding claim 29, Ota teaches transmitting location information (machine translation, section (e), last sentence).

Response to Arguments

3. Applicant's arguments with respect to claims 21, 26-30 have been considered but are moot in view of the new ground(s) of rejection.

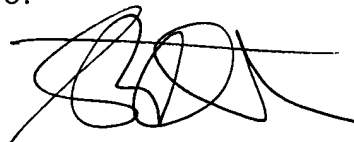
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Citron et al. and Feinberg show other relevant systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a horizontal line extending to the right.

Stella L. Woo
Primary Examiner
Art Unit 2614